

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF PENNSYLVANIA

36 – 26, 35  
jhel

In re: : Bankruptcy Case No.: 17–22967–JAD  
: :  
: Chapter: 13  
: Issued per the May 24, 2018 Proceeding

**John C. Churby**  
Debtor(s)

Sharon M. Churby

**ORDER OF COURT CONFIRMING PLAN  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that the Plan dated March 20, 2018 is CONFIRMED. A copy of this plan was previously mailed to you.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty–eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty–eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon it's entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Debtor(s)'s counsel (or Debtor(s) if not represented by counsel) must review all proofs of claim within thirty (30) days after the claims bar date. All objections to pre–petition claims shall be filed within ninety (90) days after the claims bar date, thereafter allowing at least thirty (30) days for a response.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

**(3.) IT IS FURTHER ORDERED THAT:**

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: May 31, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Jeffery A. Deller  
United States Bankruptcy Judge

**Certificate of Notice Page 3 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 John C. Churby  
 Sharon M. Churby  
 Debtors

Case No. 17-22967-JAD  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: jhel  
 Form ID: 235

Page 1 of 3  
 Total Noticed: 60

Date Rcvd: May 31, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 02, 2018.

db/jdb  
 cr +John C. Churby, Sharon M. Churby, 7 Mountainside Way, Smithfield, PA 15478-1204  
 +Ally Financial, Tucker Arensberg, P.C., c/o Brett A. Solomon, Esquire, 1500 One PPG Place,  
 Pittsburgh, Pa 15222-5413  
 cr +Cavalry SPV I, LLC, Bass & Associates, P.C., 3936 E. Ft. Lowell Rd, Suite #200,  
 Tucson, AZ 85712-1083  
 14663604 AT&T Mobility, P.O. Box 10330, Fort Wayne, IN 46851-0330  
 14663600 Allied Interstate, P.O. Box 1954, Southgate, MI 48195-0954  
 14663601 +Allied Interstate, P.O. Box 361447, Columbus, OH 43236-1447  
 14663605 Atlantic Broadband, 120 Southmont Boulevard, Johnstown, PA 15905-4291  
 14663606 +Best Buy Credit Services, P.O. Box 790441, Saint Louis, MO 63179-0441  
 14663607 Cabela's Club Visa/World's Foremost Bank, P.O. Box 82608, Lincoln, NE 68501-2608  
 14663615 +Credit Protection Association, 13355 Noel Road--Suite 2100, Dallas, TX 75240-6837  
 14663616 ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577  
 (address filed with court: Dell Financial Services, Billing Inquiry Department,  
 P.O. Box 81577, Austin, TX 78708-1577)  
 14663617 DentalFirst Financing/Comenity Bank, P.O. Box 183043, Columbus, OH 43218-3043  
 14663620 Encore Receivable Management, Inc., 400 North Rogers Road, P.O. Box 3330,  
 Olathe, KS 66063-3330  
 14663621 +Enhanced Recovery, P.O. Box 23870, Jacksonville, FL 32241-3870  
 14663624 Genpact Services, P.O. Box 1969, Southgate, MI 48195-0969  
 14663627 HSN/Comenity Bank, Bankruptcy Department, P.O. Box 183043, Columbus, OH 43218-3043  
 14663629 J.B. Robinson Jewelers, Attn: Bankruptcy, P.O. Box 1799, Akron, OH 44309-1799  
 14663631 +JH Portfolio Debt Equities, 5230 Las Bergenes Road--Suite 265, Calabasas, CA 91302-3459  
 14663630 +Jaffe & Asher, 2041 Springwood Road, York, PA 17403-4836  
 14663636 +North Shore Agency, Inc., 270 Spagnoli Road--Suite 110, Melville, NY 11747-3516  
 14663640 +Tri-State Dermatology, 2160 Springhill Furnace Road, Smithfield, PA 15478-1428  
 14663641 Uniontown Hospital, 500 West Berkeley Street, Uniontown, PA 15401-5596

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14663602 E-mail/Text: ally@ebn.phinsolutions.com Jun 01 2018 03:01:34 Ally Financial,  
 P.O. Box 130424, Roseville, MN 55113-0004  
 14663603 E-mail/PDF: gecsed@recoverycorp.com Jun 01 2018 03:12:59 Amazon.com/Synchrony Bank,  
 Attention: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060  
 14663608 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 01 2018 03:26:21 Capital One,  
 c/o TSYs Total Debt Management, P.O. Box 5155, Norcross, GA 30091  
 14722200 E-mail/Text: WFB.Bankruptcy@cabelas.com Jun 01 2018 03:02:56 CAPITAL ONE BANK (USA), N.A.,  
 CABELA'S CLUB VISA, PO BOX 82609, LINCOLN, NE 68501-2609  
 14663609 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 01 2018 03:15:27  
 Capital One Retail Services/Polaris, P.O. Box 30257, Salt Lake City, UT 84130-0257  
 14663610 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 01 2018 03:14:31  
 Capital One Retail Services/Yamaha, P.O. Box 30257, Salt Lake City, UT 84130-0257  
 14690748 +E-mail/Text: bankruptcy@flagshipcredit.com Jun 01 2018 03:02:22 CarFinance Capital,  
 P.O. Box 3807, Coppell, Texas 75019-4354  
 14663611 +E-mail/Text: bkr@cardworks.com Jun 01 2018 03:01:28 Carson Smithfield, P.O. Box 9216,  
 Old Bethpage, NY 11804-9016  
 14663612 +E-mail/Text: bankruptcy@cavps.com Jun 01 2018 03:02:24 Cavalry Portfolio Services,  
 P.O. Box 520, Valhalla, NY 10595-0520  
 14734247 +E-mail/Text: bnc@bass-associates.com Jun 01 2018 03:01:33 Cavalry SPV I, LLC,  
 c/o Bass & Associates, P.C., 3936 E. Ft. Lowell Rd., Suite 200, Tucson, AZ 85712-1083  
 14707400 +E-mail/Text: bankruptcy@cavps.com Jun 01 2018 03:02:24 Cavalry SPV I, LLC,  
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340  
 14663614 E-mail/PDF: creditonebknofications@resurgent.com Jun 01 2018 03:13:11 Credit One Bank,  
 P.O. Box 98873, Las Vegas, NV 89193-8873  
 14663617 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jun 01 2018 03:01:49  
 DentalFirst Financing/Comenity Bank, P.O. Box 183043, Columbus, OH 43218-3043  
 14663618 E-mail/Text: mrdiscen@discover.com Jun 01 2018 03:01:35 Discover, P.O. Box 30421, 5,  
 Salt Lake City, UT 84130-0421  
 14666143 E-mail/Text: mrdiscen@discover.com Jun 01 2018 03:01:35 Discover Bank,  
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
 14676337 E-mail/Text: bankruptcy.bnc@ditech.com Jun 01 2018 03:01:46  
 Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154,  
 Rapid City, South Dakota 57709-6154  
 14663619 E-mail/Text: bankruptcy.bnc@ditech.com Jun 01 2018 03:01:46 Ditech Financial, LLC,  
 Ditech Bankruptcy Department, P.O. Box 6154, Rapid City, SD 57709-6154  
 14663622 +E-mail/Text: bankruptcy@flagshipcredit.com Jun 01 2018 03:02:22 Flagship Credit Acceptance,  
 P.O. Box 2070, Coppell, TX 75019-8070  
 14663623 +E-mail/Text: bankruptcy@flagshipcredit.com Jun 01 2018 03:02:22 Flagship Credit Acceptance,  
 P.O. Box 1419, Chadds Ford, PA 19317-0688  
 14663625 +E-mail/Text: bankruptcy@affglo.com Jun 01 2018 03:02:14 Global Credit & Collection Corp.,  
 5440 North Cumberland Avenue--Suite 300, Chicago, IL 60656-1486  
 14663627 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jun 01 2018 03:01:49 HSN/Comenity Bank,  
 Bankruptcy Department, P.O. Box 183043, Columbus, OH 43218-3043

District/off: 0315-2

User: jhel  
Form ID: 235

Page 2 of 3  
Total Noticed: 60

Date Rcvd: May 31, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14663626 E-mail/PDF: gecsedirecoverycorp.com Jun 01 2018 03:13:49 Home Design/Synchrony Bank,  
Attention: Bankruptcy Department, P.O. Box 965061, Orlando, FL 32896-5061  
14663628 E-mail/PDF: gecsedirecoverycorp.com Jun 01 2018 03:12:59 J C Penney/Synchrony Bank,  
Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060  
14663633 +E-mail/PDF: resurgentbknofications@resurgent.com Jun 01 2018 03:14:07 LVNV Funding,  
P.O. Box 10497, Greenville, SC 29603-0497  
14712005 E-mail/PDF: resurgentbknofications@resurgent.com Jun 01 2018 03:14:06  
LVNV Funding, LLC its successors and assigns as, assignee of FNB, LLC,  
Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
14709634 E-mail/PDF: resurgentbknofications@resurgent.com Jun 01 2018 03:14:19  
LVNV Funding, LLC its successors and assigns as, assignee of Capital One Bank (USA), N.A.,  
Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
14663632 E-mail/PDF: gecsedirecoverycorp.com Jun 01 2018 03:13:00 Lowe's/Synchrony Bank,  
Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060  
14707956 E-mail/Text: bkr@cardworks.com Jun 01 2018 03:01:28 MERRICK BANK,  
Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368  
14721689 +E-mail/Text: bankruptcydpt@mcmcg.com Jun 01 2018 03:02:11 MIDLAND FUNDING LLC,  
PO BOX 2011, WARREN, MI 48090-2011  
14663634 E-mail/Text: bkr@cardworks.com Jun 01 2018 03:01:28 Merrick Bank, P.O. Box 9201,  
Old Bethpage, NY 11804-9001  
14663635 +E-mail/Text: bankruptcydpt@mcmcg.com Jun 01 2018 03:02:11 Midland Funding,  
2365 Northside Drive--Suite 300, San Diego, CA 92108-2709  
14663637 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jun 01 2018 03:13:04  
Portfolio Recovery, 120 Corporate Boulevard--Suite 1, Norfolk, VA 23502  
14702920 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jun 01 2018 03:27:25  
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
14664047 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jun 01 2018 03:27:28  
PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
14713044 E-mail/Text: bnc-quantum@quantum3group.com Jun 01 2018 03:01:54  
Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788  
14663638 E-mail/PDF: gecsedirecoverycorp.com Jun 01 2018 03:13:50 Rural King/Synchrony Bank,  
Attention: Bankruptcy Department, P.O. Box 965061, Orlando, FL 32896-5061  
14663639 +E-mail/Text: appebnmailbox@sprint.com Jun 01 2018 03:02:08 Sprint, P.O. Box 8077,  
London, KY 40742-8077  
14663642 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Jun 01 2018 03:01:30  
Verizon, Attn: Bankruptcy, 500 Technology Drive, Weldon Spring, MO 63304-2225  
14697697 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Jun 01 2018 03:26:55 Verizon,  
by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838  
14663643 E-mail/PDF: gecsedirecoverycorp.com Jun 01 2018 03:14:46 Walmart/Synchrony Bank,  
Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060  
TOTAL: 40

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr DITECH FINANCIAL LLC  
cr Ditech Financial LLC  
cr\* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
14669387\* Ally Financial, PO Box 130424, Roseville MN 55113-0004  
14708874\* +DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577  
(address filed with court: Dell Financial Services, LLC, Resurgent Capital Services,  
PO Box 10390, Greenville, SC 29603-0390)  
14663613 ##Central Credit Services, Inc., 20 Corporate Hills Drive, Saint Charles, MO 63301-3749  
TOTALS: 2, \* 3, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices  
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The  
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner  
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social  
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required  
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 02, 2018

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: jhel  
Form ID: 235

Page 3 of 3  
Total Noticed: 60

Date Rcvd: May 31, 2018

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### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 31, 2018 at the address(es) listed below:

Brett A. Solomon on behalf of Creditor Ally Financial bsolomon@tuckerlaw.com,  
agilbert@tuckerlaw.com;cabbott@tuckerlaw.com;dparanay@tuckerlaw.com  
Daniel R. White on behalf of Joint Debtor Sharon M. Churby dwhite@zeblaw.com,  
gianna@zeblaw.com;dwhite.zmw@gmail.com;r63228@notify.bestcase.com  
Daniel R. White on behalf of Debtor John C. Churby dwhite@zeblaw.com,  
gianna@zeblaw.com;dwhite.zmw@gmail.com;r63228@notify.bestcase.com  
James Warmbrodt on behalf of Creditor Ditech Financial LLC bkgroup@kmlawgroup.com  
James Warmbrodt on behalf of Creditor DITECH FINANCIAL LLC bkgroup@kmlawgroup.com  
Office of the United States Trustee ustpre03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 7